IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9878 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SAVARKUNDLA MUNICIPALITY

Versus

SECRETARY GUJARAT PRADESH MUNICIPAL EMPLOYEES UNION LTD.

Appearance:

1. Special Civil Application No. 9878 of 2001
   NOTICE SERVED for Petitioner No. 1
   MR DHARMESH V SHAH for Respondent No. 2
   MR RV DESAI, AGP for Respondent No. 4
   ..... for Respondent No. 1,3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 04/09/2002

ORAL JUDGEMENT

Inspite of service of notice, none appears for the petitioner.

2. Rule. In the facts and circumstances of the case, the petition is taken up for final disposal today.

3. What is challenged in this petition under Article 226 of the Constitution is the consent award dated 31.7.2001 which was passed by the Industrial Tribunal, Bhavnagar in Reference (IT) No. 71 of 1994 on the basis of the consent terms signed by Mr Vasant J Pamnani, union leader for and on behalf of workman-Ramkubhai Virabhai Vala and Mr ND Parmar, Chief Officer, Savarkundla Municipality. The consent terms are alleged to be collusive and without obtaining the permission of the Director of Municipalities.

4. Mr Darmesh Shah, learned counsel for respondent No.2-union denies the allegations made in the petition but submits that in order to remove any doubt and to clear the doubt cast on the settlement between the parties, the union is agreeable to the consent award being set aside so that the reference can be decided by the Industrial Tribunal in accordance with law.

5. In view of the above, the impugned award dated 31.7.2001 passed by the Industrial Tribunal, Bhavnagar in reference (IT) NO. 71 of 1994 is set aside and the matter shall be decided by the Tribunal after permitting the parties to lead evidence and after giving them an opportunity of hearing.

6. Rule is made absolute to the aforesaid extent with no order as to costs. Since the impugned award is set aside, the ad-interim relief granted earlier does not survive.

A copy of this order shall also be sent to the Regional Director of Municipalities, Rajkot who is not a party to this petition and also to the Director of Municipalities, Gujarat State, Old Sachivalaya, Gandhinagar, besides sending it to the petitioner also.

(M.S. Shah, J.)
sundar/-